

**ZONING
ORDINANCE**

WARREN, ARKANSAS

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ARTICLE I
PURPOSE, AUTHORITY, JURISDICTION

SECTION 1.1 PURPOSE

The purpose of the regulations set forth herein is to promote the health, safety, morals, and the general welfare of the citizens of the City of Warren; to provide efficient and economical means for civic development; to secure safety from fire and panic; control overcrowding of land; provide adequate light and ventilation; avoid concentration of population, and facilitate ease of provision of transportation, parks, utilities, schools, and other public requirements.

SECTION 1.2 AUTHORITY

These regulations are prepared in pursuance of the authority granted by the Legislature of the State of Arkansas in Act 186 of 1957, as amended.

SECTION 1.3 JURISDICTION

The jurisdiction of these regulations shall include all land and structures within the corporate limits of the City of Warren.

ARTICLE II

ZONING DISTRICTS MAP AND GENERAL REQUIREMENTS

SECTION 2.1 ZONING DISTRICTS MAP

The zoning districts are hereby established as shown on the map entitled: "Warren, Arkansas, Zoning Districts", dated _____, which is part of these regulations and which is on file in the office of the City Clerk. Said map and all notations, references, and date, and other information shown thereon shall be and are hereby adopted and made part of these regulations.

SECTION 2.2 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated on the Zoning Districts Map, the zoning districts boundaries are lot lines, the center lines of streets or alleys or specified distance therefrom, railroad rights-of-way lines, or property lines as they existed at the time of the enactment of these regulations.

SECTION 2.3 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the zoning districts or where the street or property lines existing on the ground are at variance with those on the Zoning Districts Map, the Board of Zoning Adjustment, upon written application, or upon its own motion, shall interpret and determine the location of such boundaries.

SECTION 2.4 ZONING OF NEWLY ANNEXED AREAS

All areas which may hereafter be included within the zoning jurisdiction of the City of Warren by annexation shall be governed by and subject to the requirements of the R-1 Single family Residence District until such time as the Zoning Districts Map shall have been amended to include such areas in other zoning districts.

ARTICLE III

DESCRIPTION OF ZONING DISTRICTS

SECTION 3.1 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

The R-1 Single Family Residence District is intended for those existing developed areas of the City which are being used for single-family residences and related religious, recreational, and educational facilities normally found in a well balanced residential area, and for those undeveloped areas of the City which seem appropriate for future development for single-family residence purposes.

SECTION 3.2 R-2 MULTI-FAMILY RESIDENCE DISTRICT

The R-2 Multi-family Residence District is intended for those areas of the City now containing multi-family dwellings including two-family dwelling and some single-family dwellings, and for the undeveloped areas of the City where multi-family development seems desirable.

SECTION 3.3 C-1 RESTRICTED COMMERCIAL DISTRICT

This is a restricted type of commercial district designed to provide areas for the conduct of certain types of retail trade and professional services to meet the daily needs of the people. Such a district depends chiefly on neighborhood business and less on larger service areas outside the neighborhood.

SECTION 3.4 C-2 CENTRAL BUSINESS DISTRICT

This district is designed to accommodate miscellaneous commercial enterprises (wholesale and retail) serving the consumer, public, industry, and agriculture. This district will permit commercial uses of a more intensive nature and which will be more offensive to near-by residential areas than the C-1 District.

SECTION 3.5 C-3 GENERAL COMMERCIAL

The C-3 District is designed to serve all types of retail activity from small shops to open display-type commercial. This district serves businesses that generate large volumes of vehicular traffic and, as such, should be located on major arteries, preferably near the intersections of major streets. Because of the high vehicular traffic, parking requirements are strictly enforced.

SECTION 3.6 M-1 RESTRICTED INDUSTRIAL DISTRICT

The M-1 District is intended to provide for an industrial park type of development and to

encourage clean, attractive manufacturing, research, warehousing, and similar activities on large sites.

SECTION 3.7 M-2 GENERAL INDUSTRIAL DISTRICT

The M-2 District is intended to provide for those industries that are of a medium to high nuisance character because of visual unattractiveness, noise, vibration, fumes, or odors.

ARTICLE IV

PERMITTED USES IN ZONING DISTRICTS

The permitted uses in the residential, commercial, and industrial zoning districts are set forth below. Where the letter "X" appears opposite a listed use and underneath a zoning district designation, the listed use is permitted in that district subject to (a) the providing of off-street loading in accordance with Subsection 6.4, (b) the providing of off-street parking in accordance with Subsection 6.5, and (c) the conformance with special conditions applying to certain uses as set forth in Section 5, where reference is made to such Section or Subsection thereof in the listed permitted use. Where a "SP" appears opposite a listed use and underneath a zoning district designation, the use is permitted if approved as a Special Permit Use in accordance with procedures set forth in Article VIII, Section 6.

SECTION 4.1 RESIDENTIAL USES

✓
ZONING DISTRICTS

PERMITTED USES:	R-1`	R-2	C-1	C-2	C-3	M-1	M-2
Manufactured Home	SP	SP					
Mobile home park, subject to Subsection 6.4 9.4		X					
Two-family residence		X	SP	SP	SP		
Multi-family residence		X	SP	SP	SP		
Bed and Breakfast		X	X				
Single-family residence	X	X	SP	SP	SP		

R. V. Parks

SP SP SP SP

SECTION 4.2

COMMUNITY FACILITIES, PUBLIC UTILITIES SECTION

	R-1	R-2	C-1	C-2	C-3	M-1	M-2
Community facilities and public utilities which may be located in any zoning district to provide educational, recreational, religious, health and other essential services including: electric or gas substation, hospital, school, public or private non-profit, sewage pump station or reservoir, and all other uses similar in function, traffic-generating capacity and effect on other land uses	X	X	X	X	X	X	X
Community facilities which do not need to be located in residential areas to fulfill their function and which would create significant objectionable influences in residential areas, including: city, county, or state garage or street maintenance yard, public utility garage, shop or storage yard, swimming pool, and all other uses similar in function, traffic-generating capacity and effects on other land uses.		X	X	X	X	X	X

SECTION 4.3

COMMERCIAL USES

	R-1	R-2	C-1	C-2	C-3	M-1	M-2
Offices for medical, professional and government use.			X	X	X	X	X
Retail stores and services which provide for the regular needs of the retail consumer public and are of a low nuisance type of commercial activity and not significantly objectionable to nearby residential uses, including: appliance and furniture sales, automotive accessories, bank, barber and beauty shop, signs subject to Subsection 8.5, variety store, florist shops, jewelers, and other uses similar in function, traffic generating capacity and effects on other land uses.			X	X	X	X	X
Retail and wholesale stores and services which serve the consumer, business, industry and agriculture which are of a high nuisance type and are more objectionable when located adjacent to residential areas; including: automotive sales and repair, cafe, drive-in cafe, department store, video stores, dry cleaners, equipment sales, funeral home, grocery, hardware, hotel and motel, laundry, lumber and building supplies, service stations, skating rink, tire shop, warehouses, wholesale establishment and all other uses similar in function, traffic generating capacity and effects on other land uses.		<i>Nothing Here</i>		X	X	X	X

SECTION 4.4 INDUSTRIAL USES

	R-1	R-2	C-1	C-2	C-3	M-1	M-2
<p>Manufacturing and non-manufacturing industrial uses which are of a low nuisance type of industrial activity with respect to the emission of noise, smoke, glare, vibration and other objectionable elements including: Air conditioning and heating equipment, baked goods, beverages, nonalcoholic, carpentry and furniture making, clothing and cloth goods, dairy products, drugs, electrical appliances, food products except slaughtering of animals or poultry, paper products, plastic products, printing, publishing.</p> <p><u>Non-manufacturing uses as:</u> Animal kennel, veterinary clinic (treatment and boarding of all animals), research or testing laboratory and all other uses similar in function, traffic-generating capacity and effects on other land uses.</p> <p>Manufacturing and non-manufacturing industrial uses which involve considerable danger of fire, explosion, and other hazards to public safety and which are of a high nuisance type with respect to the emission of noise, smoke, glare, vibration, and other objectionable elements, including <u>manufacturing uses</u> such as: asphalt or tar products, bricks, clay or tile, cement, chemicals, cotton ginning and processing, creosoting, fertilizers, foundries, rubber and steel products, wood and lumber processing; <u>non-manufacturing uses</u> such as: auto salvage, batching plant, construction yard, drive-in theater, storage of flammable gas or liquid including petroleum products, subject to Subsection 8.2, and all other uses similar in function, traffic generating capacity, and effects on other land uses.</p>						X	
						X	
							X

SECTION 4.5 AGRICULTURAL USES

PERMITTED USES:	R-1	R-2	C-1	C-2	C-3	M-1	M-2
Field crops, floriculture, green house, nursery, horticulture, truck gardening.	X	X	X	X	X	X	X
Animal and poultry husbandry for personal use, but not including the keeping of swine.	X	X			X	X	X

Animal and poultry husbandry for commercial use, but not including the keeping of swine.						X	X
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SECTION 4.6 OTHER USES

PERMITTED USES:	R-1	R-2	C-1	C-2	C-3	M-1	M-2
Cellular Towers	SP	SP	SP	SP	SP	X	X
Churches	SP	SP	SP	SP	X		
Day Care Centers			X		X		
Home occupations, subject to Subsection 6.3	X	X					
Private Clubs					SP	X	X
Veterinary Clinic (small animals only)					X	X	X
All other accessory uses as defined in Section 12 that are accessory to the permitted uses in these districts.	X	X	X	X		X	X

SECTION 4.7

ADDITIONAL REGULATIONS FOR CELLULAR TOWERS

- 4.7.1 Regulations in Section 4.6 do not apply to publicly owned structures such as water towers and transmitting antennae.
- 4.7.2 New cellular towers shall be permitted only after the applicant has demonstrated to the Planning Commission that co-location on an existing tower or attachment to and existing structure is not feasible.

ARTICLE V
LOT, YARD, HEIGHT, AND LANDSCAPING REQUIREMENTS

SECTION 5.1 OTHER USES

No lot or yard shall be established or reduced in dimension or area in any zoning district that does not meet the minimum requirements set forth in the table on the following page. No building or structure shall be erected or enlarged in any zoning district that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the table on the following page.

LOT AREA, LOT WIDTH, AND HEIGHT REGULATIONS

Zoning District	Minimum Lot Area (Sq. Feet)	Minimum Lot Area per Family (Sq. Ft.)	Minimum lot Width at Building Line	Maximum % Coverage (Per Lot)	Yards, Minimum (Feet)				Height, Maximum	
					Front	Side		Rear	Stories	Feet
						Interior	Exterior			
R-1 Single Family	7,500	7,000	75	30	25	7.5	15	30	2 ½	35
R-2 Multiple-family	2,500	2,500	50	35	25	5	10	25	2 ½	35
C-1 Restricted Commercial	5,000	-----	50	35	25	5	10	20	2 ½	35
C-2 Central Business	2,500	-----	25	50	None	None	None	20	2 ½	35
C-3 General Commercial	10,000	-----	100	40	25	15	15	20	35	35
M-1 Restricted Industrial	20,000	-----	50	50	50	20	20	20	2 ½	35
M-2 General Industrial	20,000	-----	50	60	25	20	10	10	2 ½	35

R-2

District

23

X

SECTION 5-2

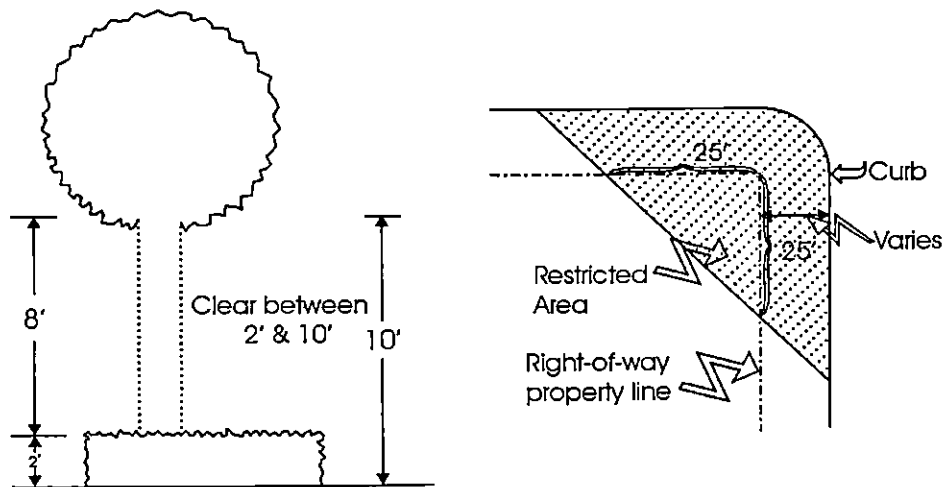
LANDSCAPE REQUIREMENTS

5.2.1 Buffer for Commercial Districts adjoining residential districts. Where any C-1 or C-3 District adjoins a residential district, a buffer shall be created to eliminate disruption of residential uses by commercial traffic. Buffers may consist of one of the following:

1. An opaque fence, of a height determined by the Planning Commission, along the adjoining property line.
2. A 25 foot landscaped setback parallel to and abutting the residential property. Landscaping shall be of sufficient height and density to screen any glare from the headlights of commercial traffic from the residential districts.

5.2.2 Landscaping requirements in commercial districts. After the passage of this ordinance, the development of any C-1 or C-3 lot in the City of Warren, including residential development, shall include landscaping along all areas fronting public streets. Such landscaping shall consist of the following as a minimum.

1. A six foot strip of ground cover to be permanently maintained.
2. One plant with a minimum height of three feet and minimum spread radius of 18 inches for every ten feet of street frontage, excluding driveways. Plants may be grouped for landscaping effect as long as the aggregate number of plants equals or exceeds the one plant per ten foot minimum.
3. Plants shall not interfere with safe sight distances or otherwise block vehicular, bicycle or pedestrian traffic or conflict with the installation, maintenance, or repair of any public utility.



ARTICLE VI

EXCEPTION TO LOT, YARD AND HEIGHT REGULATION

The lot, yard, and height requirements and regulations set forth in Article V. shall be subject to the following exceptions, modifications, and interpretations.

SECTION 6.1 EXISTING LOTS OF RECORD

6.1.1 MAY BE USED AS A BUILDING SITE

Any lot or parcel of land in any zoning district that was under separate ownership and or record on the date of adoption of these regulations, or amendment thereof, and no adjoining land fronting on the same street that was under the same ownership on the said date, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, width, or both, that are generally applicable to lots in the zoning district.

6.1.2 SIDE YARD REQUIREMENTS

On any such lot or parcel - the yard requirements of these regulations shall be complied with if said requirements do not reduce the net buildable width below 35 feet. If the net buildable width of the lot falls below 35 feet, then the side yard requirements may be reduced so that:

- (1) Any interior side yard shall not exceed 10 percent of the width of the lot, and
- (2) Any exterior side yard shall not exceed 20 percent of the width of the lot or eight feet, whichever is greater.

6.1.2 FRONT AND REAR YARD REQUIREMENTS

On any such lot or parcel, the front and rear yard setback requirements shall not reduce the net buildable depth of the lot below 50 feet. If the front and rear yard requirements do reduce the net buildable depth below 50 feet, then front and rear yard requirements may be reduced so that:

- (1) The front yard shall not exceed 15 per cent of the depth of the lot, and
- (2) The rear yard shall not exceed 10 percent of the depth of the yard, or 10 feet, whichever is greater.

SECTION 6.2 FRONT YARD EXCEPTIONS

In any zoning district where 35 percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings whose front yards do not vary more than ten feet from the required front yards for that zoning district. Then any new building erected must conform with the average front yard depth established by the existing buildings.

SECTION 6.3 REAR YARD EXCEPTIONS

In computing the required depth of a rear yard for any building where such yard abuts on an alley, the depth of the lot may be considered as extending to the center of said alley, and the required depth of the rear yard, as being measured from the center line of said alley.

SECTION 6.4 PROJECTIONS INTO REQUIRED YARDS

6.4.1 Certain Architectural Features

Certain architectural features may project into required yards as follows:

- (1) Cornices, canopies, eaves, or other architectural features may project a distance not exceeding 2 feet.
- (2) Fire escapes may project a distance not exceeding 4.5 feet.
- (3) Uncovered stairway and landings may project a distance not exceeding three feet.
- (4) Bay windows, balconies, and chimneys may project a distance not exceeding two feet and, in aggregate, not to exceed one-third the length of the building wall on which they are located.

SECTION 6.4.2 FENCES, WALLS OR HEDGES

On any corner lot, no fence, wall, hedge, or other structure or planting more than three feet in height above the street level shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points whose distance from the point of intersection is equal to the sum of the required front and exterior side yards.

SECTION 6.5 HEIGHT EXCEPTIONS

When authorized by the Board of Zoning Adjustment, zoning height limitations may be extended for the following structures: Chimneys, church steeples, flag poles, grain elevators, towers and poles, radio and television antennas, water towers, and similar structures.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.1 ACCESSORY BUILDINGS

An accessory building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.

An accessory building attached to the principal building shall be made structurally a part of, and have a common wall with the principal building and shall comply in all respects with the requirements of these regulations applicable to the principal building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot at a distance not less than ten feet from any dwelling existing or under construction on the same or adjacent lot. Accessory buildings shall not be located closer to any interior lot than five feet, but such building may be located within five feet or an alley where such alley abuts on the rear line of the lot. In the case of a corner lot, said accessory building shall not project beyond the required building line on the adjacent lot. Accessory buildings shall not cover more than 30 per cent of the area between the back of the main structure and the rear property line.

SECTION 7.2 NONCONFORMING USES

7.2.1 CONTINUING EXISTING NONCONFORMING USES

Any use of land, building, or structure existing at the time of the enactment of these regulations may be continued even though such use, building, or structure may not conform with the provisions of these regulations for the district in which it is located.

7.2.2 LIMITATIONS ON NONCONFORMING USES

A nonconforming use of a building or land shall not be changed, extended, reconstructed, enlarged, or structurally altered unless:

- (1) Such change is required by law or order.
- (2) Authority is granted by the Board of Zoning Adjustment.
- (3) Such repairs and maintenance work are required to keep the building structurally sound.

7.2.3 CESSATION OF NONCONFORMING USE

A lawful nonconforming use of a building or structure, or land, that has been voluntarily discontinued for a period of six calendar months shall not thereafter be resumed. Whenever a nonconforming use has been changed to a conforming one, such use shall not hereafter be changed to a nonconforming one.

7.2.4 REPLACEMENT OR DAMAGED OR DESTROYED NONCONFORMING USES

Any nonconforming building or structure damaged beyond 60 percent of its then replacement or market value, exclusive of foundations, as established by the County Assessor for tax purposes, by fire, flood, explosion, wind, earthquakes, or other calamity or act of God, shall not be restored or reconstructed and used as before such damage; but, if less than 60 percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided such restoration be completed within 12 months of such happening.

SECTION 7.3 OFF-STREET LOADING

Every building or structure hereafter constructed in any district for non-residential purposes, requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one off-street loading space for the first 5,000 square feet, or fraction thereof, of gross floor area, and one additional such space for each 10,000 square feet or major fraction thereof of gross floor area in excess of 5,000 square feet.

Each loading space shall not be less than ten feet in width, 35 feet in length, and 14 feet in height. An access drive not less than 10 feet in width shall be provided leading from the street to the loading area, except when the loading space abuts a street or alley or easement of access.

Such space may occupy all or any part of any required yard space, but no such space may be closer to a residential district than 25 feet, unless the space is wholly within a closed building or unless enclosed on all sides facing such residential district by a solid fence or wall at least eight feet in height.

SECTION 7.4 OFF-STREET PARKING

In all zoning districts except the C-2 Central Business District, in connection with every commercial, industrial, institutional, recreational, residential, or any other use, there shall be provided at the time a building or structure is erected, enlarged, or increased in capacity, or any other use established, off-street parking space for motor vehicles in accordance with the requirements set forth in this Subsection. The Planning Commission shall have sole responsibility of approving the parking facilities proposed for a new, changed, or enlarged building, use, or structure. Parking spaces serving existing and continuing uses or buildings on the effective date of these regulations shall be continued and may not be counted as serving a new structure or addition unless approved by the Planning Commission. No parking space may

be substituted for a loading space, nor loading space substituted for a parking space.

Each off-street parking space shall have an area or at least 10 feet wide and 20 feet long, exclusive of access drive or aisle. There shall be an access drive leading from the street to the parking space of at least 10 feet in width in case of a dwelling and at least 15 feet in width from other uses.

Such off-street parking spaces may occupy all or part of any required yard or court space.

For any new use, building, or structure, required off street parking may be provided on other property within 400 feet of the building site. Such parking facility shall be deemed as required parking space for the use and shall not be reduced, or encroached upon unless an alternate site is provided and approved by the Planning Commission.

7.4.1 MINIMUM OFF-STREET PARKING REQUIREMENTS

(1) General Intent and Application

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the City of Warren. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

(2) Location

The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.

(3) Joint Parking Facilities

Whenever 2 or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

(4) Size of Off-street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9 foot by 20 foot plus adequate area for ingress and egress.

(5) Amount of Off-street Parking and Loading Required

Off-street parking and loading facilities shall be provided in all districts in

accordance with the following schedule:

- (a) **Dwelling, Single-family, or Duplex:** 2 parking spaces for each separate dwelling unit within the structure.
- (b) **Dwelling, Multiple-family:** The number of spaces provided shall not be less than one and one-half times the number of units in the dwelling.
- (c) **Boarding or Rooming Houses or Hotel:** One parking space for each 2 guests provided overnight accommodations.
- (d) **Hospitals:** One space for each 4 patient beds, exclusive of bassinets, plus one space for each 3 employees including nurses, plus adequate area for the parking of emergency vehicles.
- (e) **Medical or Dental Clinics or Offices:** 6 spaces per doctor plus one space for each 2 employees.
- (f) **Sanatoriums, Convalescent or Nursing Homes:** One space for each 6 patient beds plus one space for each staff or visiting doctor plus one space for each 2 employees including nurses.
- (g) **Community Center, Theater, Auditorium, Church Sanctuary:** One parking space for each 3 seats, based on maximum seating capacity.
- (h) **Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation:** One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- (i) **Office Building:** One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building services.
- (j) **Commercial Establishments Not Otherwise Classified:** One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
- (k) **Industrial Establishments:** Adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered in (a) through (k) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

⑥ Paved Surface Required ~~★~~

All parking spaces shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use.

SECTION 7.5 REAR DWELLINGS

No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all yard and off-street parking requirements of these regulations.

There shall also be provided to any such rear dwelling an unoccupied, unobstructed access way not less than 12 feet wide leading to a public street. For three or more dwellings, the access way shall be not less than 20 feet wide.

**ARTICLE VIII
SPECIAL PROVISIONS**

SECTION 8.1 GENERAL

Subsections 8.2 through 8.5 describe the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said subsections in the tables of permitted uses.

SECTION 8.2 STORAGE OF FLAMMABLE LIQUIDS AND GASES

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

SECTION 8.3 HOME OCCUPATIONS

In those districts where permitted, home occupations (defined in Section 12), are subject to all of the following conditions:

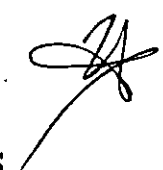
- (1) In any dwelling unit, all home occupations, collectively, shall not occupy over 25% of the gross floor area of one floor of said dwelling, except that this limitation shall not apply to foster family care.
- (2) A home occupation shall not require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
- (3) There shall be no advertising signs other than one non-illuminated name plate not more than two square feet in area attached to the main or accessory building.
- (4) There shall be no open display of retail goods visible from the street.
- (5) Power shall be limited to electric motors not exceeding three horsepower per dwelling unit.
- (6) The home occupation shall not create a demand for more than two parking spaces.
- (7) The home occupation shall be limited to resident occupants of the dwelling in which the occupation is conducted and shall not have any employees who do not reside in the dwelling.

SECTION 8.4 MANUFACTURED HOME PARKS

Parks shall have necessary public utilities, community facilities and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the city. In addition, all manufactured home parks located in the planning area boundary of the City of Warren shall conform to the following design standards:

- (1) The park shall be located on a well-drained site properly graded to insure rapid drainage or freedom from stagnant pools of water.
- (2) Manufactured home spaces shall be provided consisting of a minimum of 5,000 square feet for each space which shall be at least 50 feet wide and clearly defined.
- (3) The minimum front yard setback shall be 20 feet to the front lot line of the manufactured home park. Additionally, each manufactured home unit shall be set back at least 20 feet from all internal drives and access routes through the manufactured home park.
- (4) The park shall be designed to accommodate a minimum of 5 manufactured homes.
- (5) Manufactured homes shall be so harbored on each space that there shall be at least a 20 foot clearance between the manufactured homes.
- (6) All manufactured home spaces shall abut a hard-surfaced driveway of not less than 20 feet in width, which shall have unobstructed access to a public street.
- (7) Internal streets and drives shall be designed for safe and convenient access to all manufactured home spaces. All such internal drives shall be privately owned, built, and maintained. Such roadways shall be at least 20 feet in width and shall be constructed with a six-inch compacted gravel base and a two-inch asphalt overlay.
- (8) Each manufactured home space shall be provided with 2 off-street parking spaces each 9 feet by 20 feet in dimension.
- (9) Manufactured home parks must set aside open space as required by the Health Department of the State of Arkansas.
- (10) All homes located in a manufactured home park shall be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home commission.
- (11) All homes located in a manufactured home park shall be continuously underpinned with a material approved by the Planning Commission.

SECTION 8.5 SIGNS AND SIGN STRUCTURES, INCLUDING BILLBOARDS



8.5.1 GENERAL

- (1) No sign shall be erected in such a manner as to create a traffic hazard by obstructing vision, or at any location where it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign or signal.
- (2) In any residential district, no sign or sign structure shall be painted erected or located upon or above the roof of any building.
- (3) No illuminated sign shall be permitted which faces the front, side or rear lot lines of any residential district which is located within 50 feet thereof. No flashing sign shall be permitted within 100 feet from any residential district in such a location as to be visible from said district.

8.5.2 ACCESSORY SIGNS

Accessory signs or sign structures may be erected or placed in any residential district subject to the following conditions:

- (1) Identification or professional signs shall be non-illuminated and shall be not over two square feet in area.
- (2) Churches and other public or institutional buildings may have a sign or bulletin board not over twenty square feet in area and located at least ten feet from any property line.

8.5.3 ADVERTISING SIGNS

Advertising signs may be placed in any commercial or industrial district, subject to the following conditions:

- (1) Advertising signs or structures not attached to and wholly supported by a building shall not extend more than one foot into a required yard. ✓
- (2) Advertising signs attached to and wholly supported by a building shall not project more than four feet from any building and the bottom of such sign shall not be less than 12 feet above the ground. ✓

8.5.4 BUSINESS SIGNS

Business signs may be placed in the front and exterior side yards of any commercial or industrial district, subject to the following conditions:

- (1) Signs or sign structures shall be so designated as not to impair visibility from a

point four feet above the ground to a point not less than ten feet above the ground. Supporting structures shall be so designed as to allow maximum visibility.

- (2) Except in the C-2 Commercial district, no sign shall be placed closer to the street right-of-way line than five feet.

SECTION 8.6 SPECIAL PERMITS

8.6.1 DEFINITION

Some uses may be allowable in a district if certain conditions are met. These uses cannot, however, be evaluated by use of the existing district regulations. Such uses will require a Special Use Permit as hereinto set forth.

8.6.2 MANUFACTURED HOMES

Individual Manufactured Homes may be placed on lots zoned R-1 and R-2 upon application to and approval by the Warren Planning Commission through the granting of a Special Permit by the Warren Planning Commission.

- (a) Prior to approval of a Manufactured Home for installation in a R-1 or R-2 zone, the following conditions must be met:

- (1) Land must be owned by person planning to live in the Home. Proof of ownership must be provided to the City Planning Commission. A deed of trust will suffice. *must own trailer and/or have name on Bill of Sale.*
- (2) Require a legal notice to be published 10 days prior to Planning Commission consideration. A petition must be submitted signed by all surrounding and adjoining property owners.
- (3) The applicant shall notify all property owners within 200 feet of the subject property of the request and time and place of the hearing. Notification may be by a Notice of Request form furnished by the City or by certified mail. If certified mail is used, the receipt slip(s) shall be submitted to the Planning Commission at or before the hearing.
- (4) Require a sign to be posted at the location to be considered for a Manufactured Home Special Permit for at least 10 days before the Planning Commission meeting. The sign must state that the property is being considered for a Manufactured Home Special Permit and should list the date, time and location of the Planning Commission meeting. The Building Official's phone number should also be listed.

(5) The Planning Commission will consider the effect on surrounding property valuation during deliberations. Property devaluation can be sufficient cause to deny a conditional use permit.

(6) The Manufactured Home must fit the lot and meet all City regulations. Size of Manufactured Home and size of lot must be listed on petition.

(7) Manufactured Home must meet current Manufactured Home standards. The Manufactured Home must be at least 840 square feet.

(b) Upon approval by the Planning Commission to install a Manufactured Home, the following conditions must be met:

(1) That the Manufactured Home shall meet the setback requirements for the zone in which it is located.

(2) The Manufactured Home must be set up and anchored in accordance with the regulations of the Arkansas Manufactured Housing Commission, or the manufacturer's instructions.

(3) The Manufactured Home must be continuously underpinned and the wheels removed. Underpinning must be of a material approved by the Planning Commission.

(4) Under no circumstances can the Manufactured Home be used for rental purposes.

(3) *Fastnote: All utility worked by all licensed contractors.*
Hardship Cases *all zones*

(a) Where a residential structure has been built on a lot in an R-1 or R-2 District, the Planning Commission may, on application of owner of such lot, permit the parking of one Manufactured Home in the rear yard of such lot, providing the Commission makes a finding to the effect that the occupant or proposed occupant of said Manufactured Home would suffer a medical hardship, if the Manufactured Home were to be located in a Manufactured Home park rather than on said lot. Such use shall be permitted subject to the same regulations as stated above.

(b) Hardships as described above will also be allowed in all Commercial zones subject to all of the same conditions and requirements.

(4) Maintain existing regulations for Manufactured Home parks.

(5) Upon the second year anniversary of a Manufactured Home conditional use permit and every second year thereafter, the property owner that was granted the conditional use permit must appear before the Planning Commission to renew the conditional use permit.

The Building Inspector will inspect the Manufactured Home. If the person for whom the conditional use permit was originally granted no longer lives in the Manufactured Home or if the trailer is vacant, the conditional use permit would be dropped and the Manufactured Home would have to be moved at the owner's expense and/or subject to a fine imposed by the City Council. If the original conditional use permit holder still resides in the Manufactured Home and the Manufactured Home meets City regulations pertaining to Manufactured Homes, the conditional use permit would be extended for an additional two year.

A camping or vacation trailer not exceeding 21 feet in length may be stored in the rear yard of any lot, provided that no living quarters be maintained ~~for~~ ^{OR} any business conducted in connection therewith while such trailer is so parked or stored.

8.6.3 OTHER SPECIAL PERMITS

Other uses indicated by an "SP" in Article IV may be granted by the Planning Commission. The procedure for obtaining a Special Use Permit shall be the as follows.

- (1) A legal notice shall be published at the applicant's expense 10 days prior to Planning Commission consideration specifying the intent to apply for a Special Use Permit.
- (2) A sign shall be posted at the subject property at least 10 days prior to Planning Commission consideration announcing the intent to apply for a Special Use Permit on the property.
- (3) The Planning Commission shall consider the application and may approve or deny the request.

ARTICLE IX

BOARD OF ZONING ADJUSTMENT

SECTION 9.1 CREATION AND APPOINTMENT

The Board of Zoning Adjustment is hereby created and shall consist of five members, each to be appointed by the Mayor and confirmed by a majority vote of the City Council. Two of the five members may be members of the Planning Commission. The terms of appointees shall be for five years, except that the terms of the initial Board members shall be as follows:

- (a) One member to serve five years; one member for three years; one member for two years; and one member for one year.
- (b) Upon expiration of the terms of the initial appointments, thereafter, all appointments shall be for a term of five years.
- (c) In the event a vacancy occurs under any condition, a successor shall be appointed by the Mayor within 60 days and confirmed by a majority vote of the City Council. If such vacancy is not filled in the above manner within 60 days, the remaining members of the Board, by a majority, may appoint a member to fill the vacancy.

SECTION 9.2 ORGANIZATION

A chairman, vice-chairman, and secretary shall be annually elected by the Board members. The duties of the chairman shall be to preside at all meetings, decide points of order, administer oath and compel the attendance of witnesses. The vice-chairman shall rule in absence of the chairman.

The Board shall meet a minimum of once each calendar quarter, but meetings may be called at any time, at such places in the City as the Chairman may designate, and shall be open to the public. Minutes of all proceedings shall be maintained and shall be on public record in the office of the City Clerk. The presence of three members shall be necessary to constitute a quorum, and the concurring vote of three members shall be necessary to make official any action by the Board.

SECTION 9.3 POWERS AND DUTIES OF THE BOARD

The Board of Zoning Adjustment shall have all of the powers and duties prescribed by law and these regulations, which are more particularly described as follows:

9.3.1 APPEALS

Hear and decide appeals from the decision of the enforcement officer of these regulations

where it is alleged there is an error of law in any order, requirement, decision, or determination made by said enforcement officer. The Board may affirm or reverse in whole or in part the decision of the enforcement officer.

9.3.2 VARIANCES

Hear and decide requests for variances from the literal provisions of these regulations in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration. The Board shall not permit as a variance any use in any zoning district that is not a permitted use in such district. A variance may be granted in the following instances only:

Where by reason of exceptional narrowness, shallowness, depth or shape or other extraordinary situation or condition of a specific piece of property of record on the date of the passage of these regulations where the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property.

The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

9.3.3 OTHER POWERS

In addition to the powers and duties specified above, the Board shall also have the powers and duties to hold public hearings and decide the following special exceptions:

- (1) Permit the extensions of a zoning district boundary where such boundary divides a lot under single ownership at the time of adoption of these regulations.
- (2) Interpret zoning district boundaries where uncertainty exists.
- (3) Permit the extension of a nonconforming use.
- (4) Classify a land use where such use is not so done in these regulations for the purpose of determining the amount of off-street parking space to be provided.
- (5) Permit exceptions to maximum height regulations for certain uses.

SECTION 9.4 APPLICATION AND PUBLIC HEARING

9.4.1 APPLICATION AND PUBLIC HEARING

Appeals may be taken to the Board by any person affected by a decision of the enforcement officer of these regulations. All appeals shall be made in writing and filed

with the Secretary of the Board, specifying the grounds for such appeal.

The Board shall fix a reasonable time for a public hearing on the appeal. A public notice shall be published at the applicant's expense at least once not less than seven days preceding the date of such hearing, in a newspaper of general circulation in Warren. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of the reason for the appeal.

9.4.2 FEE

The fee for any appeal to the Board of Zoning Adjustment shall be \$25.00, no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk all fees collected.

SECTION 9.5 APPEALS TO THE COURT

All decisions of the Board of Zoning Adjustment shall be subject to appeal only to a court of record having jurisdiction.

**ARTICLE X
ENFORCEMENT AND PENALTY FOR VIOLATION**

SECTION 10.1 ENFORCEMENT OFFICER

The provisions of these regulations shall be administered by an enforcement officer designated by the City Council.

The City of Warren or any property owner may request an injunction against any property owner in violation of these regulations, or may mandamus any official to enforce the provisions thereof.

SECTION 10.2 BUILDING PERMIT

10.2.1 PERMIT REQUIRED

After the effective date of these regulations, it shall be unlawful to commence the construction or the excavation for the construction of any building or structure, or to commence the moving or alteration of any building within the City limits of Warren until a Building Permit has been issued by the enforcement officer. A permit to build will be issued only after the application has been approved by the enforcement officer, as meeting the requirements of these regulations. All applications shall be accompanied by a plan-duplicate drawn to scale and showing actual dimensions of the lot, building size, and its location on the lot, and such other information as may be necessary. A record of such application and Plans shall be kept in the office of the City Clerk.

SECTION 10.3 PENALTY FOR VIOLATION

Violation of any provisions of these regulations shall be deemed a misdemeanor and upon conviction thereof, a person, corporation, or firm will be subject to penalties provided by law. Each day a violation exists shall be deemed a separate offense.

**ARTICLE XI
AMENDMENTS & REZONINGS**

These regulations may be amended by changing the boundaries of the zoning districts or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

SECTION 11.1 APPLICATION FOR AMENDMENTS & REZONINGS

An application for amendment may be initiated by the City Council, the Planning Commission, or by one or more owners or lessees of land affected by the proposed amendment. Such application must be filed with the Secretary of the Planning Commission at least seven (7) days prior to the public hearing on the application. An application shall include, at a minimum, the following contents:

- (a) Name of owner(s) of property.
- (b) For applications for rezoning, the existing zoning classification and the proposed zoning classification.
- (c) Street address of property.
- (d) Legal description of property.
- (e) Reason for change.
- (f) The name and address for each owner of property adjoining to the property which is the subject of the application (the "subject property"). Property which is separated from the subject property by a street or alley shall be deemed adjoining if any portion of such property lies directly across the street or alley from any portion of the subject property.
- (g) The application or a separate document submitted with the application must bear proof that the owners of adjoining property have been notified of the application; however, approval of the owners of adjoining property is not required.
- (h) The signature of each applicant.
- (i) If the applicant is a lessee of the property which is the subject of the application, the application, or a separate writing submitted with the application must contain the approval of such application executed by each owner of the property.

SECTION 11.2 PROCEDURE FOR AMENDMENTS & REZONINGS

The following procedures shall be followed in the consideration of an application for amendment of the regulations:

- (1) The Planning Commission shall hold a public hearing on the proposed amendment not less than 15 days after notice of such hearing has been published in a newspaper of general circulation in Warren. The notice shall be published at the applicant's expense and shall give the time, date, and place of the hearing and the proposed change. A sign must be posted on the property which is the subject of the application, such sign to be facing a public street and close enough to the public street to be readable from the public street, at least 10 days before the public hearing. The sign must state the change contemplated by the application, the date, time, and location of the public hearing, and the telephone number of the City Building Official and must contain the words "PUBLIC NOTICE" in large all capital letters. The City Building Official shall post the sign.
- (2) The amendment, as presented or as modified by action during the public hearing, shall be voted on by the Planning Commission.
- (3) Following such vote, the Planning Commission shall certify its recommendations to the City Council.
- (4) If the Planning Commission disapproves or modifies the proposed amendment, the proponent may appeal to the City Council, which shall review the action and may approve the proposed amendment only by not less than three-fourths vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one copy to the Planning Commission, which will prepare and transmit a report to the City Council, stating why the proposed amendment was disapproved.
- (5) Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the office of the City Clerk.

SECTION 11.3 FEE

The application fee for an amendment to these regulations shall be \$50.00 for each piece of property under separate ownership submitted for change from residential to commercial or industrial within the application. The fee for all other re-zoning requests is \$25.00 for each piece of property. No fees for re-zoning applications are refundable after Planning Commission action.

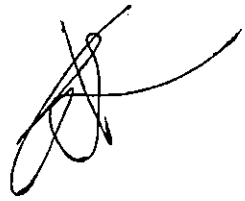
SECTION 11.4 RESUBMISSION OF APPLICATION

No re-submission of a zoning amendment application will be allowed within 12 months after the date of action by the Planning Commission or City Council, unless the City Council or Planning Commission deems a substantial reason exists for waiving this limitation.

**ARTICLE XII
VALIDITY**

Should any section, subsection, paragraph, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared invalid.

ARTICLE XIII
DEFINITIONS



DEFINITIONS

Certain words and phrases shall for the purpose of this ordinance have the following meaning:

Accessory Structure. A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises.

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Advertising Sign or Structure. Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone or other sign, device, or structure of any character whatsoever, including a statuary placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term 'plate' shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this ordinance.

Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting the street, and which may be used for public utility purposes.

Apartment House. See dwelling, multiple family.

Area. The amount of land surface in a lot or parcel of land.

Building. Any structure intended for shelter, housing, or enclosure for persons or animals. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

Building Height. The vertical distance from the average line of the highest to lowest point of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Day Care Center. Any place, home, or institution which receives five or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial parent person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

Dwelling. Any building or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, Single-family. A detached dwelling designed to be occupied by one family.

Dwelling, Two-family. A detached dwelling designed to be occupied by 2 families living independently of each other.

Dwelling, Multiple. A detached dwelling designed to be occupied by 3 or more families living independently of each other, exclusive of hotels or motels.

Family. One or more persons related by blood, marriage, or adoption, or a group of not to exceed 5 persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or a similar dwelling for group use.

Garage Apartment. A dwelling unit for one family erected above a private garage.

Gasoline Service or Filling Station. Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

Hotel. A building or group of buildings under one ownership containing 6 or more sleeping rooms occupied or intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage, or buildings where persons are housed under restraint.

Kennel. Any lot or premises on which are kept 3 or more dogs, more than 6 months.

Lot. Any foot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this ordinance and other laws or ordinances, and having its principal frontage on a street.

Manufactured Home. A residential dwelling built in accordance with the Federal Manufactured Home Construction and Safety Standards. Manufactured homes are further classified as either (1) single section, or (2) multi-section.

Medical Facility.

Convalescent, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Assisted Living (or Ambulatory Care) A health facility where persons are housed and furnished with meals. On-site medical care is available as may be required by individual tenants.

Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients, provided that patients are not kept overnight except under emergency conditions.

Offices for Dentists, Physicians, Optometrists, Osteopaths, and Chiropractors.
The same as dental or medical clinic.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

Public Health Center. A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.

Sanatorium. An institution providing health facilities for inpatient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

Modular Home. A residential dwelling, constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction Safety Standards.

Mobile Home. A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any state definitions.

Motels. An area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient persons or families and intended primarily for automobile transients.

Nonconforming Structure. A lawfully constructed building or structure Which does not conform to the regulations of the district in which it is located.

Nonconforming Use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

Open Space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portions of structures whatever.

Parking Space. An area a minimum of 250 square feet of usable and accessible space which is designated for storage of an automotive vehicle.

Place of Public Assembly. A meeting place for more than 35 persons to which the public or membership groups are assembled regularly or occasionally, included but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Principal Use. The chief or main recognized use of a structure or of land.

Property Line. The line bounding a lot as defined herein.

Special Use Permit

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there being no floor above it, then the space between the floor and the ceiling next above it.

Story, Half. A space under a sloping roof which has a line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Street, Intersection. Any street which joins another street at an angle, whether or not it crosses the other.

Structure. Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

Structural Alteration. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Yard. An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the

width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

**ZONING
ORDINANCE
#740**

Adopted
January 10, 2000

WARREN, ARKANSAS

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